

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: Boston Scientific Corp.  
Pelvic Repair System Products Liability Litigation  
MDL No. 2326*

Civil Action No. 2:15-cv-14243

---

**SHORT FORM COMPLAINT**

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2326 by reference. Plaintiff(s) further show the Court as follows:

1. Female Plaintiff:

Lura K. Mitchem

2. Plaintiff Husband (if applicable):

Mike Mitchem

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

\_\_\_\_\_

4. State of Residence:

GA

5. District Court and Division in which venue would be proper absent direct filing:

Georgia Middle District Court

\_\_\_\_\_

6. Defendants (Check Defendants against whom Complaint is made):



A. Boston Scientific Corporation

- ☐ B. American Medical Systems, Inc. (“AMS”)
- ☐ C. Johnson & Johnson
- ☐ D. Ethicon, Inc.
- ☐ E. C. R. Bard, Inc. (“Bard”)
- ☐ F. Sofradim Production SAS (“Sofradim”)
- ☐ G. Tissue Science Laboratories Limited (“TSL”)
- ☐ H. Mentor Worldwide LLC
- ☐ I. Coloplast Corp.
- ☐ J. Cook Incorporated
- ☐ K. Cook Biotech, Inc.
- ☐ L. Cook Medical, Inc.
- ☐ M. Desarrollo e Investigación Médica Aragonesa, S.L. (“DIMA”)
- ☐ N. Neomedic International, S.L.
- ☐ O. Neomedic Inc.
- ☐ P. Specialties Remeex International, S.L.

7. Basis of Jurisdiction:

- ☒ Diversity of Citizenship
- ☐ Other: \_\_\_\_\_

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

4, 5, and 6  
\_\_\_\_\_  
\_\_\_\_\_

B. Other allegations of jurisdiction and venue:

---

---

---

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff):

- ☐ The Uphold Vaginal Support System;
- ☐ The Pinnacle Pelvic Floor Repair Kit;
- ☐ The Advantage Transvaginal Mid-Urethral Sling System;
- ☐ The Advantage Fit System;
- ☐ The Lynx Suprapubic Mid-Urethral Sling System;
- ☐ The Obtryx Transobturator Mid-Urethral Sling System;
- ☐ The Prefyx PPS System;
- ☐ The Solyx SIS System; and/or
- ☒ Other

Advantage Fit

---

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products):

- ☐ The Uphold Vaginal Support System;
- ☐ The Pinnacle Pelvic Floor Repair Kit;
- ☐ The Advantage Transvaginal Mid-Urethral Sling System;
- ☐ The Advantage Fit System;
- ☐ The Lynx Suprapubic Mid-Urethral Sling System;

- ☐ The Obtryx Transobturator Mid-Urethral Sling System;
- ☐ The Prefyx PPS System;
- ☐ The Solyx SIS System; and/or
- ☒ Other

Advantage Fit

---

---

10. Date of Implantation as to Each Product:

Advantage Fit - 1/20/2010

---

---

---

11. Hospital(s) where Plaintiff was implanted (Including City and State):

Advantage Fit - Henry Medical Center, located in Stockbridge, GA

---

---

---

12. Implanting Surgeon(s):

Advantage Fit - Dr. Jeff Lovinger

---

---

---

13. Counts in the Master Complaint brought by Plaintiff(s)

- ☒ Count I – Negligence
- ☒ Count II – Strict Liability – Design Defect
- ☒ Count III – Strict Liability – Manufacturing Defect
- ☒ Count IV – Strict Liability – Failure to Warn

- ☒ Count V - Breach of Express Warranty
- ☒ Count VI – Breach of Implied Warranty
- ☒ Count VII (by the Husband) – Loss of Consortium
- ☒ Count VIII – Discovery Rule, Tolling and Fraudulent Concealment
- ☒ Count IX – Punitive Damages
- ☐ Other Count \_\_\_\_\_ If Plaintiff asserts additional claims, please state the factual and legal basis for these claims below:

---

---

---

- ☐ Other Count \_\_\_\_\_ If Plaintiff asserts additional claims, please state the factual and legal basis for these claims below:

---

---

---

Respectfully submitted,

/s/ Derek H. Potts

Derek H. Potts TX# 24073727  
THE POTTS LAW FIRM, LLP  
100 Waugh Drive, Suite 350  
Houston, TX 77007  
[dpotts@potts-law.com](mailto:dpotts@potts-law.com)  
Telephone: (713) 963-8881  
Facsimile: (713) 583-5388

Timothy L. Sifers MO# 49386  
Patricia L. Campbell MO# 60917  
THE POTTS LAW FIRM, LLP  
1901 W. 47th Place, Suite 210  
Westwood, KS 66205  
[tsifers@potts-law.com](mailto:tsifers@potts-law.com)  
[pcampbell@potts-law.com](mailto:pcampbell@potts-law.com)  
Phone: (816) 931-2230  
Fax: (816) 931-7030  
**Attorneys for Plaintiffs**